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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,057	04/19/2004	Blaise Ganzel	1-24765	2295

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EXAMINER

SCHWARTZ, CHRISTOPHER P

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 07/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/827,057

Applicant(s)

GANZEL, BLAISE

Examiner

Christopher P. Schwartz

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Christopher P. Schwartz
CHRISTOPHER P. SCHWARTZ
PRIMARY EXAMINER

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement has been received and considered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4,8 rejected under 35 U.S.C. 102(b) as being anticipated by Campau et al. '608.

Regarding claim 1 Campau et al. discloses in figure 1 a brake module with which applicants are familiar including a first brake circuit of pressurized fluid (generally indicated at 4,6), a second circuit at 16 and a third circuit at 17. From figure 1 the first 54a and second 54b fluid separator units can be seen to function as claimed. Note that any of the proportional valves at 51a-51d can be said to "act" on the first and second separator units.

Regarding claims 2-4,8 as broadly claimed, and as can be seen in the drawings these requirements are met.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5⁷ rejected under 35 U.S.C. 103(a) as being unpatentable over Campau et al. in view of Ganzel '484 or Jonner et al..

Regarding claims 5-7 although Campau et al. uses three way proportional valves it is known to use two way proportional valves dependent upon the braking control desired.

Such a teaching is generally taught by either Ganzel in the latter embodiments or Jonner et al.

One having ordinary skill in the art would have found it obvious to have substituted the three way proportional valves of Campau et al, with two way proportional valves as taught by either Ganzel or Jonner et al, and functioning as claimed, simply dependent upon such well known factors as cost and braking performance desired.

6. Claims 9-12, 14-24, 26-28, 30-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campau et al. in view of Arwine et al. or Tanaka et al. or Ganzel '582..

Regarding claims 9, 31 although Campau et al. does not show a "second brake module" per se, such modules are old and well known in the art. This is generally taught by either Arwine et al. or Tanaka et al. or Ganzel '582

One having ordinary skill in the art at the time the invention was made would have found it obvious to have supplied the device of Campau et al. with

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any or all of the modules claimed claims 10-12, as suggested by either Arwine et al. or Tanaka et al. or Ganzel '582, simply to provide a safer vehicle.

Regarding claims 14-18,22 these requirements are met.

Regarding claims 19,21 relief valves are old and well known in the art. Note Campau et al. Shows one at 44. Simply to have used more than one for the reason claimed in the brake modules would have been obvious to the ordinary skilled worker in the art.

Regarding claim 20 to have integrated the pressure relief valves into the fluid separator units would have been obvious since it is old and well known to make plural parts singular and vice-versa dependent upon such well known engineering considerations as simplicity of design, cost, and parts repair.

Regarding claims 22-24,26-28,30,32-34 as broadly claimed, these limitations are fairly suggested by Campau et al. as modified by any of the references above, since isolation valves are an old and well known integral part of electronically controlled braking systems with abs, asr and stability control modules.

7. Claims 13,25,29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campau et al. in view of either Arwine et al. or Tanaka et al. or Ganzel '582, as applied to claim 9 above, and further in view of Ganzel '484.

Regarding claim 13 simply to have used one three way proportional valve, as taught by Ganzel '484, instead of four as shown by Campau et al, would have been an obvious engineering choice of design dependent upon cost, complexity, and/or braking characteristics desired from the vehicle.

Regarding claims 25 and 29 Ganzel is relied upon for a teaching of the dump valves, notoriously well known in the art to control fluid flow to the wheel brakes used in abs and traction brake systems control systems.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the isolation valves used in the references provided.
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher P. Schwartz whose telephone number is 703-308-0576. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack W. Lavinder can be reached on 703-308-3421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CHRISTOPHER P. SCHWARTZ
PRIMARY EXAMINER

